

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

JOINT MOTION TO EXTEND TIME TO FILE STATUS REPORT

Plaintiff CSX Transportation, Inc. (“CSXT”), and Defendants Norfolk Southern Railway Company (“NS”), and Norfolk & Portsmouth Belt Line Railroad Company (“NPBL”) (collectively, the “Parties”), by counsel, and pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, hereby jointly move this Court to extend by five days—until Monday, August 24, 2020—the time within which the Parties must submit to the Court a joint status report with recommendations for future proceedings. In support, the Parties respectfully state:

1. On March 17, 2020, the Parties moved the Court to stay the case and vacate the pending deadlines, including trial, established by the Court’s Scheduling Order due to the COVID-19 pandemic. *See* ECF Nos. 157, 78.

2. By Order dated March 19, 2020, the Court stayed the case for thirty (30) days and vacated all existing deadlines, including trial, pending rescheduling. *See* ECF No. 160. The Parties

were directed to submit a status report to the Court with recommendations and a request for a telephonic status conference with the Court on or before April 16, 2010. *See id.*

3. Thereafter, the Parties have requested, and the Court has granted, several additional 30-day stays based on existing conditions due to the impact of COVID-19, with the most recent stay expiring on August 19, 2020. *See ECF No. 164, 173, 191, 196.*

4. During the current stay, the Parties began discussing the need for a modified schedule to allow for completion of fact and expert discovery in this action, while taking into account the ongoing challenges and limitations imposed by COVID-19. The Parties conferred telephonically about scheduling issues on August 18 and August 19, and they will continue their efforts to reach agreement on a fact and expert discovery schedule, which is not currently tied to any re-scheduled trial date.

5. To allow for further discussion and possible resolution of these issues, the Parties jointly request that the Court extend by five days—until August 24, 2020—the time within which the Parties must submit an updated status report to the Court.

6. On or before August 24, 2020, the Parties will submit a status report to the Court outlining the Parties’ negotiations, including the Parties’ proposal(s) for an amended schedule governing the resumption and completion of discovery in this action.

7. This is a joint request from the Parties and therefore will not prejudice any Party. This request is submitted in good faith and is not intended to cause unnecessary burden, delay or needless expense.

8. For the foregoing reasons, good cause exists to extend until August 24, 2020 the deadline by which the Parties must submit a joint status report with recommendations for future proceedings.

WHEREFORE, Plaintiff CSXT, Defendant NS, and Defendant NPBL, respectfully request that the Court grant this Joint Motion and enter the attached Proposed Order. The Parties attach as **Exhibit 1** an electronically endorsed copy of their Proposed Order.

Dated: August 19, 2020

Respectfully submitted,

CSX TRANSPORTATION, INC.

By Counsel

/s/ Robert W. McFarland

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CERTIFICATE OF SERVICE

I certify that on this 19th day of August, 2020, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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